

opposite another handle member on the other clamping member, said clamp halves being hingedly connected by a living hinge member along one pair of said split edges to activate opening and closing of the opposed clamping members and separation and closing of the other pair of split edges which engage and are secured to the support by applying and removing pressure on the oppositely positioned handle members.

9. (Amended) The holder of claim 8 wherein said living hinge is formed by a groove.

### **REMARKS**

Claims 1-10 remain in this application. Claims 6, 7 and 9 have been amended.

Applicant asserts that there is no suggestion in any of the references cited by the Examiner to take the disclosed hinge mechanisms and combine them in such a way to arrive at Applicant's novel invention.

### **Information Disclosure Statement**

Applicant notes that the one reference U.S. Patent 5,611,123 to Prizzi cited in the specification has now been made of record and thus there is no reason to list this reference on an Information Disclosure Statement.

### **35 USC § 112**

Claim 6 stands rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claim 6 so as to clear up this lack of antecedent basis.

### **35 USC § 102**

Claim 7 stands rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,611,123 to Prizzi.

Applicant has amended claim 7 to specify that the hinge member is a “living” hinge member thereby obviating this rejection. As the examiner points out on page 4 of the office action, Prizzi does not disclose the limitation of the hinge being a living hinge.

### **35 USC § 103**

#### **Lassiter**

Claims 1-3 and 5 stand rejected under 35 U.S.C. §103 as being unpatentable over Prizzi in view of U.S. Patent 6,158,095 to Lassiter.

Lassiter discloses an “integral lever forming a living hinge” (column 3, line 31). Lassiter does not disclose a living hinge in combination with at least one separated handle member positioned on one of the clamping members halves and opposite another handle member on the other clamping member half as with Applicant’s present invention.

#### **Prizzi**

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Prizzi. In light of the same arguments made above that Lassiter does not disclose nor suggest the novel combination of Applicant’s invention, the rejection of dependent claim 4 should be withdrawn.

### Rodriquez

Claims 6,8 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Prizzi in view of U.S. Patent 6,419,193 to Rodriquez.

With respect to claim 6, Rodriquez discloses "a spring biasing element 46 for biasing the jaw element 44 into a closed position" (column 3, lines 18-19). Rodriquez does not disclose the interconnection of a hinge pin connected by a hinge extending along each clamp half" as claimed in Applicant's invention.

Even if the "spring biasing element" of Rodriquez could be considered to have disclosed the torsion spring of Applicant's invention, there is simply no express or implied suggestion or motivation to take the "spring biasing element 46" disclosed in Rodriquez and to combine it in a way so as to come up with Applicant's novel invention.

With respect to dependent claims 8 and 10, Applicant has amended independent claim 7 to include the word "living" before "hinge." Prizzi does not disclose a living hinge at all. There is also no suggestion or motivation to combine the living hinge of Lassiter with at least one separated handle member positioned on one of the clamping members halves and opposite another handle member on the other clamping member half of Applicant's present invention.

### Rodriquez and Lassiter

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Prizzi combined with Rodriquez and in further view of Lassiter.

In light of the arguments above that Lassiter fails to suggest the combination of a living hinge with the present novel invention, Applicant respectfully asserts that claim 9 is in condition for allowance.

Furthermore, Applicant has amended claim 9 to include the limitation that the living hinge is formed by a groove. Support for this amendment appears on page 6, line 1-2 of the specification and in the drawings (number 28).

Lassiter clearly does not disclose a groove which makes up the living hinge of applicant's invention. Prizzi fails to disclose a living hinge at all.

Therefore, the combined teaching of the cited references fail to fully teach the invention recited herein, and the obviousness rejection must be withdrawn.

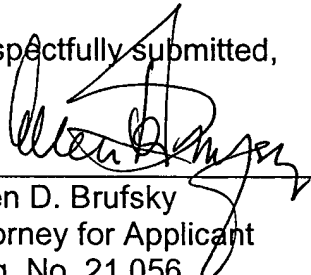
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with marking to show changes made.**"

No fees are believed due in connection with this amendment. In the event that any fees are due, the Patent and Trademark Office is hereby authorized to charge the amount of any such fee to Deposit Account No. 501851, or to credit any overpayment thereto.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,



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**CUSTOMER NO. 32575**

**VERSION WITH MARKING TO SHOW  
CHANGES MADE**

**In the claims:**

Claims 6, 7 and 9 have been amended as follows:

6. (Amended) In combination a releasable tube holder and a longitudinal support comprising,

said tubular holder including a circular plastic tube split lengthwise into longitudinally mirror image straight halves forming two opposed clamping members joined together at across one pair of split edges and separated by a second pair of split edges, each clamping members provided with at least one separated handle member positioned on one of the clamping member halves and opposite another handle member on the other clamping member half, said clamping member halves being hingedly interconnected with a hinge pin connected by a hinge on each clamp half said first pair of split edges, a torsion spring between [each of said hinge plates] said first pair of split edges of said clamping halves to activate opening and closing of the opposed clamping members and separation and closing of the second pair of split edges which engage and are secured to the support by applying and removing pressure on the oppositely positioned handle members

7. (Amended) In combination, a releasable tube holder and a longitudinal support comprising,

said tube holder including a circular plastic tube split lengthwise longitudinally into mirror image straight halves forming tow opposed clamping members joined together at one pair of straight across split edges and separated by another pair of split edges, each clamping member provided with at least one separated handle member positioned on one of the clamping members and opposite another handle member on the other clamping member, said clamp halves being hingedly connected by a living hinge member along one pair of said split edges to activate opening and closing of the opposed clamping members and separation and closing of the other pair of split edges which engage and are secured to the support by applying and removing pressure on the oppositely positioned handle members.

9. The holder of claim 8 wherein said [hinge member is a] living hinge is formed by a groove.